

# **Sacramento Metropolitan Cable Television Commission**

828 I Street, Room 527 · Sacramento, California 95814 · (916) 874-6661

April 26, 2002

## **VIA ECFS**

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission

Dear Ms. Dortch:

**Re: Notice of Ex Parte Presentation**  
CS Docket No. 02-52  
MB Docket No. 02-70

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, the Sacramento Metropolitan Cable Television Commission submits this notice of ex parte presentation. Sacramento discussed matters including the Notice of Proposed Rulemaking Regarding The Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities, CS Docket No. 02-52, and AT&T Corp., and Comcast Corp. Seek FCC Consent for a Proposed Transfer of Control, MB Docket No. 02-70.

On April 22, 2002, five members and one ex-officio member of the Board of Directors of the Sacramento Metropolitan Cable TV Commission and one staff member, the Commission's Executive Director, collectively "Sacramento" met with FCC Staff at the FCC Headquarters in Washington, DC. Present at the meeting were:

Robbie Waters, Chair, City Councilman, City of Sacramento  
Don Nottoli, Supervisor, County of Sacramento  
Illa Collin, Supervisor, County of Sacramento  
Jimmie Yee, City Councilman, City of Sacramento  
Susan Peters McCuen, District Representative, County of Sacramento  
Michael Leary, City Councilman, City of Elk Grove, ex-officio  
Richard E. Esposto, Executive Director, Sacramento Metro. Cable TV Commission

Roger Holberg, FCC Media Bureau  
William Johnson, FCC Media Bureau  
Emily Hoffnar, FCC Consumer and Governmental Bureau  
Marjorie Green, FCC Media Bureau  
Royce Sherlock, FCC Media Bureau  
Will Cox, FCC Media Bureau

During this meeting, the Sacramento representatives discussed their concerns about higher cable TV rates accompanied by very poor customer service as delivered by AT&T Broadband. Concern was also expressed about the need for some level of regulatory oversight of customer service on cable modem services. Numerous examples were described of consumer problems and failures of AT&T Broadband to respond on both cable TV and broadband complaints, delayed refunds and incorrect billings. Sacramento advised that the FCC cable television customer service standards for telephone response are unenforceable and meaningless as AT&T asserts that their regional call centers aggregate any measurements and are therefore always in compliance with the standards.

Concerns were expressed regarding poor telephone response time as being arguably the second most frustrating consumer element of dealing with AT&T Broadband (the first being its --customer needs don't matter-- attitude). The Sacramento participants stated the FCC should establish and require standardized reporting of telephone response times. An example given noted one of the more recent 'tricks' AT&T Broadband appears to have used in Sacramento is to answer a customer's call, which stops the clock measuring against the standard, and immediately place the customer on Hold.

Additional discussion ensued about the role of local governments as proponents of broadband and the experience Sacramento has gained as the only location in the country where Western Integrated Networks (WINFirst) has deployed its fiber-to-the-home ("FTTH") overbuild. The Sacramento officials described the difficulty residential overbuilders face in physically constructing their networks (easily excavating residential streets and accessing backyards is much more challenging than overbuilders expect) and the role of local government in assisting and coordinating with overbuilders who are traversing and using easements and rights-of-way.

Sacramento advised that the FCC should encourage preserving future options for new technologies and competition by placing extra conduits in open trenches in new residential subdivisions. Sacramento stated it believes this is a viable, long-term strategy and recommends it to the FCC as it also seeks cost effective deployment of broadband nationally.

Pursuant to Section 1.1206 of the Commission's Rules, the Sacramento Metropolitan Cable Television Commission is filing one electronic original of this letter with the Commission Secretary.

Please do not hesitate to contact me with any questions concerning this meeting or this notice.

Respectfully submitted;

RICHARD E. ESPOSTO, Executive Director  
Sacramento Metropolitan Cable Television Commission  
E-mail: [respost@yahoo.com](mailto:respost@yahoo.com)